## FINDINGS OF FACT AND CONCLUSIONS OF LAW

\* \* \* \* \* \* \* \* \* \*

The Petitioners originally requested a street centerline setback of 50 feet in lieu of the required 100 feet for a proposed porch enclosure and addition. However, the plans and documentation submitted indicate that the variance required was for a setback of 58 feet in lieu of the required 50 feet requested, in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affida-Vits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this May of July, 1990 that the Petition for Residential Variance to permit a street centerline setback of 58 feet in lieu of the required 100 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief grant-

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its

> > ANN M. NASTAROWICZ

Deputy Zoning Commissioner for Baltimore County

all that lot or parcel of ground situate, lying and being in the Fourth Election District of Baltimore County, State of Maryland, and described as follows, that is to say:

BEGINNING for the same at a stone now to be planted on the North bank of a road leading from Woodensburg to Glen Falls and 3.6 rods short of the end of the next to the last line of the whole tract of which this land is a part, and running thence the whole tract of which this land is a part, and fulling themes the two following lines with this land as now surveyed by John J. John, Surveyor, South 80 degrees East 3.6 rods to a stake formerly driven on the North bank of the road; thence North 88 and 7/8 driven on the North bank of the road; degrees East 18.16 rods to a point in the North side drain of the road and one-half rod distant from a stone heretofore planted on the North bank of the road; thence along the Western boundary of ten acres of land previously sold off to Bernard E. Uhler and wife, South 14 degrees West 30.44 rods to a stone formerly planted, thence by three lines of division now made, viz: South 49-3/4 degrees West 11.4 rods to a stone to be planted on the West bank of a ravine; thence along this bank of the ravine North 27-3/8 degrees West 14.72 rods to a stone to be planted just above the present head of said ravine; thence North 1-3/4 degrees East 23.54 rods to the place of beginning. Containing 3-1/2 acres and 7 square rods of land, more or less.

BEGINNING for the same at a nail 6 feet North of the center-line of the present road bed of Glen Falls Road at the end of the North 88 7/8 degrees East 18.16 rods line as described in a Deed from A. Earl Shipley, Assignee, to John William Smith and Wife, dated April 21, 1942, recorded among the Land Records and Wife, dated April 21, 1942, recorded among the Land Records of Baltimore County in Liber C.H.K. No. 1229 folio 90 etc., or martimore county in tiper t.m.k. No. 1223 total by magnetic running thence binding on that Deed as now surveyed by magnetic bearings as of the year 1965 with due allowance for the declinapearings as or the year 1905 with due allowance for the decline tion to follow the same and crossing the center of Glen Falls Road, South 15 degrees 14 minutes 30 seconds West 352.10 feet. thence by two lines of division as now surveyed, South 87 degrees 55 minutes West 64.99 feet and North 02 degrees 05 minutes West 343.00 feet to a pipe 11 feet North of the centerline of Glen the aforementioned road, South 89 degrees 46 minutes East 169.98 feet to the place of beginning, containing nine hundred and

Rep'd for record OCT 15:1979 at\_ Per Elmor M. February

Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

Baltimore County Zoning Commissioner Office of Planning & Zoning

July 27, 1990

Mr. & Mrs. Robert K. Harvey 5825 Glen Falls Road Reisterstown, Maryland 21136

RE: PETITION FOR RESIDENTIAL VARIANCE S/S Glen Falls Road, 5600' NE of Hollingsworth Road (5825 Glen Falls Road) 4th Election District - 3rd Councilmanic District Robert K. Harvey, et ux - Petitioners Case No. 90-547-A

Dear Mr. & Mrs. Harvey:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Deed Description

and directions here and on the plat

S 80° E (59.4'); N 88 "8° E (129.66'); N 02° 05' W (343.00');

5 87° 55W (64.99'); 514°W (150.16'); 5 4934°W (188.1'); N 2734°W (242.88');

Folio 420 and include. The measurements

As recorded in Deed Liber 6088,

Very truly yours,

(In MNesterowing ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

90-547-A

Dennis F. Rasmusser
County Executive

cc: People's Counsel

File

Kobert Ganary Harvey

in the correct location.

N 134° E (388,41').

5825 Wen Falls Rd

Reisterstown, Md.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described the description and plat attached hereto and made a part hereof, petition for a Variance from Section 1A03.4.B.4 — To allow 50 ft. setiack in lieu of 100 ft. in R.C.-4. some from Niverthe centerline of any street. E. D. \_\_\_\_ of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason: (indicate hardship or practical difficulty) CATHERINE V. SABUTE 5827 Glen FAIls Rd EAST 5823 Glen FAIS Ra Reisterstown Md. I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser: #-429-5098 Narvey w- 828-2410 (Type or Print Name) 26 K HARVEY W- 363-3333 City/State/21p Code Attorney for Patitioner: (Type or Print Name) Name, address and phone number of legal owner, contract Restautown, ma 21136 ORDERED by the Zoning Commissioner of Baltimore County, this 11 14 day of June, 19 90 that the subject matter of this petition be posted on the property on or before the 474 day of July , 19 90. TONING COMMISSIONER OF BALTIMORE COUNTY ...

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

	Baltimore Cour Zoning Commi County Office Build	
	111 West Chesapeake Towson, Maryland 211	

90-547-A

080 -POSTING SIGNS / ADVERTISING

LAST NAME OF OWNER: HARVEY 8 B 158\*\*\*\*\*6000:a 812%F

Please make checks payable to: Baltimore County

4xh	<u> </u>	al Variance Harrey et ud			
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of Signa:.	In from	t of 387	S Jan Jel	ls Road	P*********
				~	
by	Chata		Date of return:.	Juni 29 <u>,</u>	1990
of Signs	·				

**AFFIDAVIT** 

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regardathereto. That the Affiant(s) does/do presently or upon settlement will reside at 5825 Glen Falls Rd Reisterstown, Md 21136

That based upon personal knowledge, the following are the facts upon which I/we base the request for remove the front porch & enlarge The living rooms dining room can

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

AFFIANT (Mandwritten Signature) Mary K. Harvey
AFFIANT (Printed Name)

ROBERT & MARY HORUEY

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

6/1/90.

LIBER 6 0 8 8 PACE 4 2 1

SAVING and EXCEPTING from the above described parcel of land: (a) So much of the property as lies in the bed of Glen Falls Road, and (b) all that lot or parcel of ground, situate, lying and being in the Fourth Election District of Baltimore lying and being in the Fourth Election District of Baltimore County, State of Maryland, and described as follows:

Falls Road and to intersect the first above mentioned Deed line, thence binding on that Deed and running along the North side of the contract feet to the place of beginning, containing nine hundred and nineteen one thousandths of an acre (0.919) of land, more or less. As surveyed September 7, 1965 by C. A. Myers, Registered Surveyor, and being the parcel of land that was conveyed unto Richard R. Burk and Dorothy M. Burk, his wife, by deed of John William Smith and Victoria M. Smith, his wife, dated September 21, 1965, and recorded among the Land Records of Baltimore County, 1965, and recorded among the Land Records of Baltimore 23, 1969.)

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

J. R. Jort Haines
Zoning Commissioner

July 5, 1990



Mr. & Mrs. Robert R. Harvey 5825 Glen Falls Road Reisterstown, MD 21136

RE: Item No. 439, Case No. 90-547-A Petitioner: Robert R. Harvey, et ux Petition for Residential Variance

Dear Mr. & Mrs. Harvey:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Office of Planning & Zoning Towson, Maryland 21204

(301) 887-3353

Mr. & Mrs. Robert K. Harvey 5825 Glen Falls Road Reisterstown, Maryland 21136

1TEM NUMBER: 439

day you return the sign.

also has the option to request a public hearing.

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines



Your petition has been received and accepted for filing this

11th day of May, 1990.

1. Robert Sprines ZONING COMMISSIONER

Enlarging living room a dining room removing front Porch-I have

no where else to enlarge this area

We have done work to our other

rooms - bedroom a bothroom a

would have to do too much

other Structural charges to areas.

We have no storage area or clouds

and need to make room for this

Petitioner: Robert R. Harvey, et ux Petitioner's Attorney:

Baltimore County Fire Department 700 East Joppa Road, Suite 901 Towson, Maryland 21204-5500 (301) 887-4500 Paul H. Reincke

JUNE 28, 1990

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204



RE: Property Owner: ROBERT K. HARVEY

#5825 GLEN FALLS ROAD Location:

Item No.: 439 Zoning Agenda: JULY 3, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

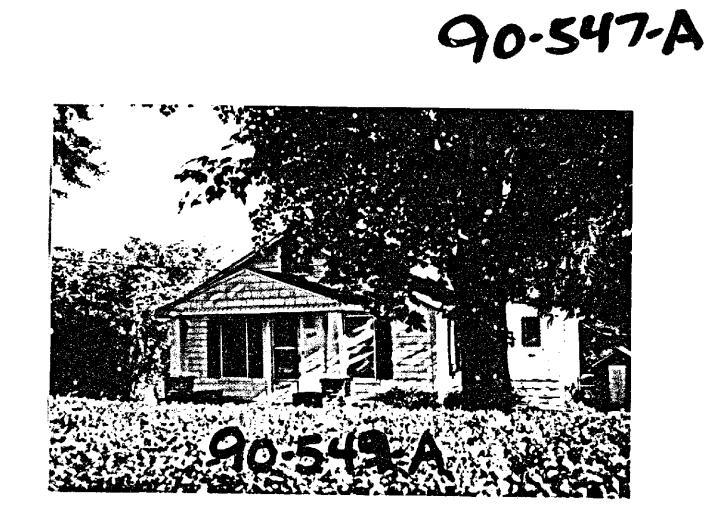
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

Fire Prevention Euroe Special Inspection Division

JK/KEK







BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

PERMITS & LICENSES CSB

ZONING ITEM #: 439

SUBJECT:

HANDICAPPED.

( ) PARKING LOCATION

( ) BUILDING ACCESS

REQUIRED.

( ) NUMBER PARKING SPACES

BALTIMORE COUNTY BUILDING CODE.

TO COMPLY TO NEW USE REQUIREMENTS.

TOWSON, MARYLAND 21204 - PHONE - 887-3900.

( ) OTHER - NO OTHER COMMENTS

CHECK ITEM APPLICABLE TO THIS PLAN

JUNE 22, 1990

J. ROBERT HAINES, ZONING COMMISSONER, DEPARTMENT ZONING

PROPERTY OWNER: Robert KL Harvey, et ux

LOCATION: S/S Glen Falls Rd., 5,600 NE Hollingsworth Rd.

( ) RAMPS (degree slope)

( ) CURB CUTS

( ) SIGNAGE

(#5825 Glen Falls Rd)

CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF

ELECTION DISTRICT: 4th Election

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE

MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE

SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT

(X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN.

SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE

( ) A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING

( ) STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0

COUNCIL BILL #158-88 ( BALTIMORE COUNTY BUILDING CODE).

USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND

ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE,

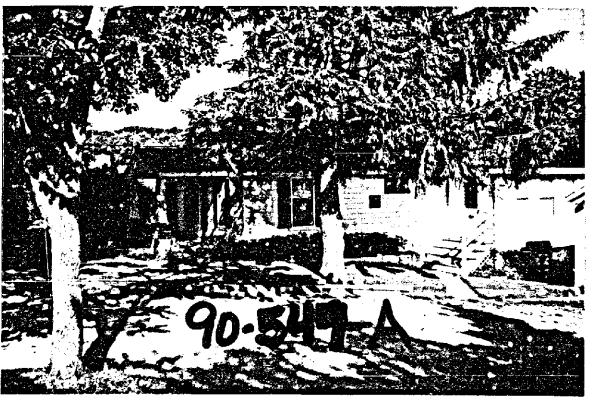
COUNCILMANIC DISTRICT: 3rd

( ) PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF

( ) PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE



90-547-AL





THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a

1) Your property will be posted on or before July 4, 1990. The last date (closing date) on which a

receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD,

- 'qo-641-A



90-547-A





